IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

OP.No. 2631 of 2000(L)

PETITIONER:

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1. ANSAMMA K.GEORGE, P.D. TEACHER,
GOVT. L.P.S. MANAGAYIL, TRIPUNITHURA SUB DISTRICT

2. K.U.JOSEPH, P.D.TEACHER,
GOVT.J.B.S.POOTHOTTA, TRIPUNITHURA SUB DISTRICT

3. K.M.KAYIKUTTY, P.D.TEACHER,
GOVT. J.B.S. POOTHOTTA, TRIPUNITHURA SUB DISTRICT

4. K,A. MARY, P.D.TEACHER,
GOVT.UPS, KARICODE, TRIPUNITHURA SUB DISTRICT

5. P.THANKAMANI AMMA, P.D. TEACHER
GOVT.K.M.UPS. EROOR TRIPUNITHURA, SUB DISTRICT

6. A.V.ANNAMMA, HEADMISTRESS,
GOVT.UPS.KEECHERY, TRIPUNITHURA SUB DISTRICT

7. K.K.OMANA, MUSIC TEACHER,
GOVT.UPS. KEECHERY, TRIPUNITHURA, SUB DISTRICT

8. V.S.REMANI., P.D.TEACHER,
GOVT.UPS. KEECHERY, TRIPUNITHURA SUB DISTRICT

9. T.K.SAROJINI, P.D.TEACHER
GOVT.K.M.UPS, EROOR, TRIPUNITHURA SUB DISTRICT

10. K.R.THANAKAMMA, P.D. TEACHER,
GOVT.LPS. ALAPURAM, KOOTHATTUKULAM SUB DISTRICT

11. V.R.VALSALAKUMARI, P.D. TEACHER,
GOVT.UPS, BRAHMAMANGALAM, VAIKOM SUB DISTRICT

12. C.K.LEELA, PHYSICAL EDUCATION TEACHER,
GOVT. UPS, BRAHMAMANGALAM, VAIKOM SUB DISTRICT

13. P.R.LALITHAMBIKA, P.D.TEACHER,
GOVT.UPS BRAHMAMANGALAM, VAIKOM SUB DISTRICT

14. ELIAS P. JOSEPH, RETIRED PHYSICAL EDUCATION TEACHER,
GOVT.H.S.MULANTHURUTHY, EKM.

BY ADV. SRI.P.P.JACOB

RESPONDENTS:
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1. THE SECRETARY TO GOVERNMENT,
   GENERAL EDUCATION (L) DEPARTMENT
   GOVT. SECRETARIAT, TVM.

2. STATE OF KERALA REP. BY THE CHIEF SECRETARY TO
   GOVERNMENT,
   GOVT. SECRETARIAT, TVM.

3. ASSISTANT EDUCATIONAL OFFICER, TRIPUNITHURA

BY GOVERNMENT PLEADER SRI.T.T. MAHMOOD

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP.No. 2631 of 2000

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- TRUE COPY OF GOVERNMENT ORDER BEARING NO.G.O.(P) 1480/99/FIN DATED 17.6.99

EXT.P2- TRUE COPY OF GOVT. ORDER BEARING NO.GO.(Rt) 3767/99 GE DATED 6.8.99

EXT.P3- TRUE COPY OF GOVT. ORDER BEARING NO.G.O.(RT) 4076/99 GE DATED 4.9.99

EXT.P4- TRUE COPY OF REP. SUBMITTED BY THE 1ST PETITIONER BEFORE THE THIRD RESPONDENT DATED 12.10.99

EXT.P5- TRUE COPY OF REP. SUBMITTED BY THE 2ND PETITIONER BEFORE THE THIRD RESPONDENT DATED 8.10.99

EXT.P6- TRUE COPY OF GOVT. ORDER BEARING NO.G.O.(P)2196/99/FIN DATED 9.1.99

EXT.P7- TRUE COPY OF REP. SUBMITTED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT DATED 3.1.00

(TRUE COPY)

P.A TO JUDGE

S.SIRI JAGAN, J

O.P. 2631/2000

Dated this the 2nd day of November, 2007

JUDGMENT

The petitioners are Government school teachers who joined Government service after putting in service in aided schools. They are seeking fixation of their pay in Government service taking into account their aided school service also. According to them, as per Ext.P1 they are entitled to have aided school service also reckoned for the purpose of fixation of pay on entering Government service.

2. The learned Government Pleader submits that Ext.P1 was kept in abeyance as per Ext.P6 and later on Ext.P1 was cancelled by G.O. 990/00/Fin. dated 27.6.2000. The validity of that cancellation was challenged before this Court in W.A. 2052/2002 and the cancellation was upheld with the rider that amounts already drawn need not be refunded. In this case, petitioners were not granted the benefit as per Ext.P1 at all and, therefore, question of refund does not arise.

3. In view of the fact that Division Bench of this Court has upheld the cancellation of Ext.P1, nothing survives in this writ petition and the same is accordingly dismissed.

S.SIRI JAGAN
Judge

mrcs